

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ROCKWELL AUTOMATION, INC. and
ROCKWELL AUTOMATION TECHNOLOGIES, INC.,

Plaintiffs,

v.

WAGO CORPORATION and
WAGO KONTAKTTECHNIK GmbH & CO. KG,

Defendants.

Case No. 10-CV-718-WMC

JOINT STIPULATION AND [PROPOSED] ORDER

The parties in the above captioned action have discussed a discovery plan and agree to and respectfully submit this joint stipulation for approval by the Court which adjusts the scope of and limitations to discovery in this action as follows:

Limitations on Discovery

The parties believe the following limitations on discovery, some of which differ from the limits imposed under the Federal Rules of Civil Procedure, should govern this action. The parties reserve the right to seek leave of Court to amend or deviate from any of the limits on discovery noted below upon agreement of the parties or for good cause.

(1) Interrogatories

Each side may serve up to forty (40) interrogatories. Each “common interrogatory” – that is, an interrogatory served on both Plaintiffs or both Defendants that requests a response from each Plaintiff or each Defendant – shall count as one interrogatory. A “common interrogatory” may be, but is not required to be, directed to both Plaintiffs or both Defendants in a single paper.

(2) Requests for Admission

Each side may serve up to sixty (60) substantive requests for admission and an unlimited number of requests for admission solely as to the authentication of documents. Each “common request for admission” – that is, a request for admission served on both Plaintiffs or both Defendants that requests a response from each Plaintiff or each Defendant – shall count as one request for admission.

(3) Depositions

Each side may take depositions up to a total of two hundred fifty (250) hours of on-the-record time. The parties agree that leave of court under Rule 30(a)(2)(A)(ii) is not required for (1) the taking of a Rule 30(b)(6) deposition where the designated witness already testified on deposition in his or her individual capacity, (2) the taking of an individual’s deposition where the witness already testified on deposition as a designated Rule 30(b)(6) witness, and (3) multiple Rule 30(b)(6) depositions of the same designated witness. Each deposition shall last no more than seven (7) hours; provided, however, time spent by one side on cross-examination of its own witness shall not be counted towards the seven-hour or 250-hour limits of the party noticing the deposition but shall count against the cross-examining party’s 250-hour limit, and also provided that nothing herein shall preclude a witness from agreeing voluntarily to testify beyond the seven-hour limit as long as the additional time is counted against the 250-hour deposition limit of the party asking questions during the additional time. If a party or both parties on one side notices a deposition or serves a deposition subpoena on a third-party, a party or both parties on the other side must give written notice at least one day before the deposition if it intends to ask questions of the third-party witness at the deposition. Thereafter, counsel for each side will cooperate in good faith to reach agreement on the amount of time that each side will have to ask questions of the third-party witness

at the deposition. If any witness whose deposition is being taken requires the services of a translator in order for the deposition to be conducted in English, the time spent at any such translated deposition will be divided in half for the purposes of calculating the seven-hour deposition time limit and the 250-hour limit; provided, however, no such witness shall be required to sit for more than seven (7) hours of deposition on a single day.

WE SO MOVE/STIPULATE and agree to abide by the terms of this Order.

Dated: October 27, 2011

Respectfully submitted,

/s/ John M. Hintz

/s/ Robert N. Cook

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SO ORDERED.

Dated: _____

U.S. Magistrate Judge